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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,607	09/19/2003	Michael J. Chambers	M.CHAMBERS 2-1	6387
47396	7590	07/13/2006	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			WENDELL, ANDREW	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/665,607	Applicant(s) CHAMBERS ET AL.	
	Examiner Andrew Wendell	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "said interpreter" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 6-7, 9, 11-12, 16-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ford (US Pat Appl# 2005/0014493).

Regarding claim 1, Ford's apparatus of wireless data exchange with automatic delivery confirmation teaches a mobile telephone 12 (Fig. 1) having a camera 14 (Fig. 1) configured to generate an image of a document that contains the data (Sections 0038 and 0041); a processing server 26 (Fig. 1) adapted to receive the document via a wireless communication network 34 (Fig. 1), extract the data from the image and arrange the data according to a format (Sections 0041-0046); and a database 28 (Fig.

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1), associated with the server, that receives and stores the data according to the format (Sections 0045-0046).

Regarding claim 2, Ford teaches wherein the image comprises a video sequence (Sections 0038 and 0044).

Regarding claim 6, Ford teaches wherein the mobile telephone contains the database (Sections 0038-0045).

Regarding claim 7, Ford teaches wherein the processing server forwards the data extracted from the image to a destination in accordance with received instructions (Sections 0038-0046).

Regarding claim 9, Ford teaches wherein the mobile telephone has a memory configured to store multiple images and transmits the multiple images to the processing server in a batch (Sections 0038-0046).

Regarding claim 11, method claim 11 is rejected for the same reason as system claim 1 since the recited elements would perform the claimed steps.

Regarding claim 12, method claim 12 is rejected for the same reason as system claim 2 since the recited elements would perform the claimed steps.

Regarding claim 16, method claim 16 is rejected for the same reason as system claim 6 since the recited elements would perform the claimed steps.

Regarding claim 17, method claim 17 is rejected for the same reason as system claim 7 since the recited elements would perform the claimed steps.

Regarding claim 19, method claim 19 is rejected for the same reason as system claim 9 since the recited elements would perform the claimed steps.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US Pat Appl# 2005/0014493) in view of Zilliacus (US Pat Appl# 2003/0211856).

Regarding claim 3, Ford's apparatus of wireless data exchange with automatic delivery confirmation teaches the limitations in claim 1. Ford fails to teach a telephone transmitting an image by an MMS format.

Zilliacus's system for facilitating interactive presentations using wireless messaging teaches a mobile telephone 1014 (Fig. 10) transmitting an image to the processing server 1016 (Fig. 10) by employing a selected one of an MMS "MMS" (Fig. 10).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a telephone transmitting an image by an MMS format as taught by Zilliacus into Ford's apparatus of wireless data exchange with automatic delivery confirmation in order to cut costs and test new technologies (Section 0005).

Regarding claim 13, method claim 13 is rejected for the same reason as system claim 3 since the recited elements would perform the claimed steps.

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7. Claims 4, 8, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US Pat Appl# 2005/0014493) in view of Aarnio (US Pat Appl# 2003/0087650).

Regarding claim 4, Ford's apparatus of wireless data exchange with automatic delivery confirmation teaches the limitations in claim 1. Ford fails to teach employing an optical character recognition.

Aarnio's apparatus for providing precise location information through a communications network teaches wherein the processing server employs optical character recognition to extract the data from the image (Sections 0015-0017).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate employing an optical character recognition as taught by Aarnio into Ford's apparatus of wireless data exchange with automatic delivery confirmation in order to improve accuracy of locating an area and give the user better information (Section 0005).

Regarding claim 8, the combination including Aarnio teaches wherein the wireless communication conforms to a selected one of GPRS 14 (Fig. 1).

Regarding claim 14, method claim 14 is rejected for the same reason as system claim 4 since the recited elements would perform the claimed steps.

Regarding claim 18, method claim 18 is rejected for the same reason as system claim 8 since the recited elements would perform the claimed steps.

8. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US Pat Appl# 2005/0014493).

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Regarding claim 5, Ford's apparatus of wireless data exchange with automatic delivery confirmation teaches the limitations in claim 1. Ford fails to teach a spelling correction system.

However, it is well known to one of ordinary skill in the art to teach a processing server employing a spelling correction system. For example, many word processor systems have spell checking functions. Examiner takes an official notice to this effect.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a spelling correction system into Ford's apparatus of wireless data exchange with automatic delivery confirmation in order to be more user friendly and to use as a selling point to the consumer.

Regarding claim 15, method claim 15 is rejected for the same reason as system claim 5 since the recited elements would perform the claimed steps.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US Pat Appl# 2005/0014493) in view of Iida (US Pat Appl# 2003/0181200).

Regarding claim 10, Ford's apparatus of wireless data exchange with automatic delivery confirmation teaches the limitations in claim 1. Ford fails to teach charging the user for processing.

Iida's mobile terminal with built in camera and network printing system teaches a charge system, coupled to the processing server, configured to charge a user for processing of the image (Sections 0005 and 0054).

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Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate charging the user for processing as taught by Iida into Ford's apparatus of wireless data exchange with automatic delivery confirmation in order to efficiently send image data (Section 0007).

Regarding claim 20, method claim 20 is rejected for the same reason as system claim 10 since the recited elements would perform the claimed steps.

Conclusion

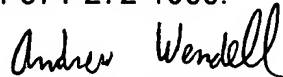
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Udagawa et al. discloses a data processing apparatus, terminal device, and data processing system. Kinjo discloses a order processing apparatus, order processing system and image photographing device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

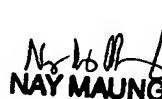
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Wendell
Examiner
Art Unit 2618

7/10/2006



NAY MAUNG

SUPERVISORY PATENT EXAMINER